

1 J. Noah Hagey, Esq. (SBN: 262331)
hagey@braunhagey.com

2 Matthew Borden, Esq. (SBN: 214323)
borden@braunhagey.com

3 David H. Kwasniewski, Esq. (SBN: 281985)
kwasniewski@braunhagey.com

4 Tracy O. Zinsou, Esq. (SBN: 285985)
zinsou@braunhagey.com

5 H. Chelsea Tirgardoon, Esq. (SBN: 340119)
tirgardoon@braunhagey.com

6 BRAUNHAGEY & BORDEN LLP
747 Front Street, 4th Floor
7 San Francisco, CA 94111
8 Telephone: (415) 599-0210
Facsimile: (415) 276-1808

9 ATTORNEYS FOR PLAINTIFF
B&G FOODS NORTH AMERICA, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

B&G FOODS NORTH AMERICA, INC.,
Plaintiff,
v.
KIM EMBRY and ENVIRONMENTAL
HEALTH ADVOCATES, INC., acting as
enforcement representatives under California
Proposition 65 on behalf of the State of
California,
Defendants.

Case No. 2:20-cv-00526-KJM-SCR

**B&G FOODS'S NOTICE OF MOTION
AND MOTION TO COMPEL
DEFENDANT ENVIRONMENTAL
HEALTH ADVOCATES, INC.'S RULE
30(b)(6) CORPORATE DEponent**

Date: September 12, 2024
Time: 10:00 AM

Magistrate Judge: Hon. Sean C. Riordan
Courtroom: 27

SAC Filed: November 23, 2022
Trial Date: None Set

NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 12, 2024, at 10:00 a.m. in Courtroom 27 of the United States District Court, Eastern District of California, located at 501 I Street, Sacramento, CA 95814, a hearing will be held on the discovery disagreement between Plaintiff B&G Foods North America, Inc. (“B&G Foods”) and Defendants Environmental Health Advocates, Inc. (“EHA”) and Kim Embry (collectively, “Defendants”). The matters for the hearing include B&G Foods’s motion to compel EHA to produce and designate a corporate deponent for oral examination pursuant to Federal Rule of Civil Procedure 30(b)(6).

The specifics of the parties' dispute and the parties' respective contentions are detailed in the forthcoming Joint Statement.

Dated: August 14, 2024

Respectfully submitted,

BRAUNHAGEY & BORDEN LLP

By:  Matthew Borden

*Attorneys for Defendant
B&G Foods North America, Inc.*

MOTION TO COMPEL

Plaintiff B&G Foods North America, Inc. (“B&G Foods”) hereby moves this Court for an order compelling Defendant Environmental Health Advocate, Inc.’s (“EHA”) to produce and designate a corporate deponent for oral examination pursuant to Federal Rule of Civil Procedure 30(b)(6)).

The Motion is based on the forthcoming Joint Statement regarding Discovery Disagreement and supporting papers and the entire record herein.

Dated: August 14, 2024

Respectfully Submitted,

BRAUNHAGEY & BORDEN LLP

By:  Matthew Borden

*Attorneys for Plaintiff
B&G Foods North America, Inc.*